

ELECTION REVISIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: _____

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

Legislative Vote: 12 voting for 0 voting against 4 absent

General Description:

This bill modifies provisions of the Election Code.

Highlighted Provisions:

This bill:

- ▶ changes the dates of a special election in an odd-numbered year to coincide with the dates of municipal elections;
- ▶ modifies requirements relating to the publishing and posting of sample ballots;
- ▶ modifies the crime of destroying election documents or supplies to include altering documents;
- ▶ provides for a voter's party affiliation to be changed to unaffiliated if the voter is affiliated with a party that is no longer a registered political party;
- ▶ modifies the deadline for determining whether a municipality will conduct an election by ranked choice voting to coincide with the deadline for publishing a notice of election;
- ▶ modifies a conflict of interest reporting requirement; and
- ▶ makes technical changes.

Money Appropriated in this Bill:



None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-14-203, as last amended by Laws of Utah 2020, Chapter 31

20A-1-102, as last amended by Laws of Utah 2020, Chapters 31, 49, 255, and 354

20A-1-204, as last amended by Laws of Utah 2019, First Special Session, Chapter 4

20A-1-403, as last amended by Laws of Utah 2020, Chapter 31

20A-1-604, as last amended by Laws of Utah 2020, Chapter 31

20A-2-107, as last amended by Laws of Utah 2021, Chapter 430

20A-4-602, as last amended by Laws of Utah 2021, Chapter 101

20A-5-102, as last amended by Laws of Utah 2020, Chapter 31

20A-5-405, as last amended by Laws of Utah 2021, First Special Session, Chapter 15

20A-5-605, as last amended by Laws of Utah 2020, Chapter 31

20A-7-103, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

20A-11-1604, as last amended by Laws of Utah 2021, Chapter 20

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **11-14-203** is amended to read:

11-14-203. Time for election -- Equipment -- Election officials -- Combining precincts.

(1) (a) The local political subdivision shall ensure that bond elections are conducted and administered according to the procedures set forth in this chapter and the sections of the Election Code specifically referenced by this chapter.

(b) When a local political subdivision complies with those procedures, there is a presumption that the bond election was properly administered.

(2) (a) A bond election may be held, and the proposition for the issuance of bonds may be submitted, on the same date as the regular general election, the municipal general election held in the local political subdivision calling the bond election, or at a special election called for the purpose on a date authorized by Section **20A-1-204**.

(b) A bond election may not be held, nor a proposition for issuance of bonds be submitted, at the presidential primary election held under Title 20A, Chapter 9, Part 8, Presidential Primary Election.

(3) (a) The bond election shall be conducted and administered by the election officer designated in Sections 20A-1-102 and 20A-5-400.5.

(b) (i) The duties of the election officer shall be governed by Title 20A, Chapter 5, Part 4, Election Officer's Duties.

(ii) The publishing requirement under Subsection 20A-5-405(1)(~~h~~)(f)(iii) does not apply when notice of a bond election has been provided according to the requirements of Section 11-14-202.

(c) The hours during which the polls are to be open shall be consistent with Section 20A-1-302.

(d) The appointment and duties of election judges shall be governed by Title 20A, Chapter 5, Part 6, Poll Workers.

(e) General voting procedures shall be conducted according to the requirements of Title 20A, Chapter 3a, Voting.

(f) The designation of election crimes and offenses, and the requirements for the prosecution and adjudication of those crimes and offenses are set forth in Title 20A, Election Code.

(4) When a bond election is being held on a day when no other election is being held in the local political subdivision calling the bond election, voting precincts may be combined for purposes of bond elections so long as no voter is required to vote outside the county in which the voter resides.

(5) When a bond election is being held on the same day as any other election held in a local political subdivision calling the bond election, or in some part of that local political subdivision, the polling places and election officials serving for the other election may also serve as the polling places and election officials for the bond election, so long as no voter is required to vote outside the county in which the voter resides.

Section 2. Section 20A-1-102 is amended to read:

20A-1-102. Definitions.

As used in this title:

(1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.

(2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on ballots and tabulates the results.

(3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic storage medium, that records an individual voter's vote.

(b) "Ballot" does not include a record to tally multiple votes.

(4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:

(a) an opinion question specifically authorized by the Legislature;

(b) a constitutional amendment;

(c) an initiative;

(d) a referendum;

(e) a bond proposition;

(f) a judicial retention question;

(g) an incorporation of a city or town; or

(h) any other ballot question specifically authorized by the Legislature.

(5) "Bind," "binding," or "bound" means securing more than one piece of paper together using staples or another means in at least three places across the top of the paper in the blank space reserved for securing the paper.

(6) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.

(7) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.

(8) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.

(9) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

(10) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.

(11) "Contracting election officer" means an election officer who enters into a contract

or interlocal agreement with a provider election officer.

(12) "Convention" means the political party convention at which party officers and delegates are selected.

(13) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.

(14) "Counting judge" means a poll worker designated to count the ballots during election day.

(15) "Counting room" means a suitable and convenient private place or room for use by the poll workers and counting judges to count ballots.

(16) "County officers" means those county officers that are required by law to be elected.

(17) "Date of the election" or "election day" or "day of the election":

(a) means the day that is specified in the calendar year as the day that the election occurs; and

(b) does not include:

(i) deadlines established for voting by mail, military-overseas voting, or emergency voting; or

(ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early Voting.

(18) "Elected official" means:

(a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project;

(b) a person who is considered to be elected to a municipal office in accordance with Subsection 20A-1-206(1)(c)(ii); or

(c) a person who is considered to be elected to a local district office in accordance with Subsection 20A-1-206(3)(c)(ii).

(19) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a local district election.

(20) "Election Assistance Commission" means the commission established by the Help America Vote Act of 2002, Pub. L. No. 107-252.

(21) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.

(22) "Election judge" means a poll worker that is assigned to:

- (a) preside over other poll workers at a polling place;
- (b) act as the presiding election judge; or
- (c) serve as a canvassing judge, counting judge, or receiving judge.

(23) "Election officer" means:

- (a) the lieutenant governor, for all statewide ballots and elections;
- (b) the county clerk for:
 - (i) a county ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section

[20A-5-400.1](#) or [20A-5-400.5](#);

(c) the municipal clerk for:

- (i) a municipal ballot and election; and
- (ii) a ballot and election as a provider election officer as provided in Section

[20A-5-400.1](#) or [20A-5-400.5](#);

(d) the local district clerk or chief executive officer for:

- (i) a local district ballot and election; and
- (ii) a ballot and election as a provider election officer as provided in Section

[20A-5-400.1](#) or [20A-5-400.5](#); or

(e) the business administrator or superintendent of a school district for:

- (i) a school district ballot and election; and
- (ii) a ballot and election as a provider election officer as provided in Section

[20A-5-400.1](#) or [20A-5-400.5](#).

(24) "Election official" means any election officer, election judge, or poll worker.

(25) "Election results" means:

(a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or

(b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.

(26) "Election returns" includes the pollbook, the military and overseas absentee voter

registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.

(27) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(28) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

(29) "Judicial office" means the office filled by any judicial officer.

(30) "Judicial officer" means any justice or judge of a court of record or any county court judge.

(31) "Local district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.

(32) "Local district officers" means those local district board members that are required by law to be elected.

(33) "Local election" means a regular county election, a regular municipal election, a municipal primary election, a local special election, a local district election, and a bond election.

(34) "Local political subdivision" means a county, a municipality, a local district, or a local school district.

(35) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.

(36) "Manual ballot" means a paper document produced by an election officer on which an individual records an individual's vote by directly placing a mark on the paper document using a pen or other marking instrument.

(37) "Mechanical ballot" means a record, including a paper record, electronic record, or mechanical record, that:

(a) is created via electronic or mechanical means; and

(b) records an individual voter's vote cast via a method other than an individual directly

214 placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

215 (38) "Municipal executive" means:

216 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

217 (b) the mayor in the council-manager form of government defined in Subsection

218 10-3b-103(7); or

219 (c) the chair of a metro township form of government defined in Section 10-3b-102.

220 (39) "Municipal general election" means the election held in municipalities and, as

221 applicable, local districts on the first Tuesday after the first Monday in November of each

222 odd-numbered year for the purposes established in Section 20A-1-202.

223 (40) "Municipal legislative body" means:

224 (a) the council of the city or town in any form of municipal government; or

225 (b) the council of a metro township.

226 (41) "Municipal office" means an elective office in a municipality.

227 (42) "Municipal officers" means those municipal officers that are required by law to be
228 elected.

229 (43) "Municipal primary election" means an election held to nominate candidates for
230 municipal office.

231 (44) "Municipality" means a city, town, or metro township.

232 (45) "Official ballot" means the ballots distributed by the election officer for voters to
233 record their votes.

234 (46) "Official endorsement" means the information on the ballot that identifies:

235 (a) the ballot as an official ballot;

236 (b) the date of the election; and

237 (c) (i) for a ballot prepared by an election officer other than a county clerk, the
238 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

239 (ii) for a ballot prepared by a county clerk, the words required by Subsection
240 20A-6-301(1)(b)(iii).

241 (47) "Official register" means the official record furnished to election officials by the
242 election officer that contains the information required by Section 20A-5-401.

243 (48) "Political party" means an organization of registered voters that has qualified to
244 participate in an election by meeting the requirements of Chapter 8, Political Party Formation

and Procedures.

(49) (a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.

(b) "Poll worker" includes election judges.

(c) "Poll worker" does not include a watcher.

(50) "Pollbook" means a record of the names of voters in the order that they appear to cast votes.

(51) "Polling place" means a building where voting is conducted.

(52) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.

(53) "Presidential Primary Election" means the election established in Chapter 9, Part 8, Presidential Primary Election.

(54) "Primary convention" means the political party conventions held during the year of the regular general election.

(55) "Protective counter" means a separate counter, which cannot be reset, that:

(a) is built into a voting machine; and

(b) records the total number of movements of the operating lever.

(56) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.

(57) "Provisional ballot" means a ballot voted provisionally by a person:

(a) whose name is not listed on the official register at the polling place;

(b) whose legal right to vote is challenged as provided in this title; or

(c) whose identity was not sufficiently established by a poll worker.

(58) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

(59) (a) "Public figure" means an individual who, due to the individual being considered for, holding, or having held a position of prominence in a public or private capacity, or due to the individual's celebrity status, has an increased risk to the individual's safety.

(b) "Public figure" does not include an individual:

(i) elected to public office; or

(ii) appointed to fill a vacancy in an elected public office.

(60) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the individual was elected.

(61) "Receiving judge" means the poll worker that checks the voter's name in the official register at a polling location and provides the voter with a ballot.

(62) "Registration form" means a form by which an individual may register to vote under this title.

(63) "Regular ballot" means a ballot that is not a provisional ballot.

(64) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.

(65) "Regular primary election" means the election, held on the date specified in Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan local school board positions to advance to the regular general election.

(66) "Resident" means a person who resides within a specific voting precinct in Utah.

(67) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4), provided to a voter with a manual ballot:

(a) into which the voter places the manual ballot after the voter has voted the manual ballot in order to preserve the secrecy of the voter's vote; and

(b) that includes the voter affidavit and a place for the voter's signature.

(68) "Sample ballot" means a mock ballot similar in form to the official ballot [~~printed and distributed~~], published as provided in Section 20A-5-405.

(69) "Special election" means an election held as authorized by Section 20A-1-203.

(70) "Spoiled ballot" means each ballot that:

(a) is spoiled by the voter;

(b) is unable to be voted because it was spoiled by the printer or a poll worker; or

(c) lacks the official endorsement.

(71) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

(72) "Tabulation system" means a device or system designed for the sole purpose of tabulating votes cast by voters at an election.

(73) "Ticket" means a list of:

(a) political parties;

(b) candidates for an office; or

(c) ballot propositions.

(74) "Transfer case" means the sealed box used to transport voted ballots to the counting center.

(75) "Vacancy" means the absence of a person to serve in any position created by statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.

(76) "Valid voter identification" means:

(a) a form of identification that bears the name and photograph of the voter which may include:

(i) a currently valid Utah driver license;

(ii) a currently valid identification card that is issued by:

(A) the state; or

(B) a branch, department, or agency of the United States;

(iii) a currently valid Utah permit to carry a concealed weapon;

(iv) a currently valid United States passport; or

(v) a currently valid United States military identification card;

(b) one of the following identification cards, whether or not the card includes a photograph of the voter:

(i) a valid tribal identification card;

(ii) a Bureau of Indian Affairs card; or

(iii) a tribal treaty card; or

(c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

(i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;

- 338 (ii) a bank or other financial account statement, or a legible copy thereof;
339 (iii) a certified birth certificate;
340 (iv) a valid social security card;
341 (v) a check issued by the state or the federal government or a legible copy thereof;
342 (vi) a paycheck from the voter's employer, or a legible copy thereof;
343 (vii) a currently valid Utah hunting or fishing license;
344 (viii) certified naturalization documentation;
345 (ix) a currently valid license issued by an authorized agency of the United States;
346 (x) a certified copy of court records showing the voter's adoption or name change;
347 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
348 (xii) a currently valid identification card issued by:
349 (A) a local government within the state;
350 (B) an employer for an employee; or
351 (C) a college, university, technical school, or professional school located within the
352 state; or
353 (xiii) a current Utah vehicle registration.
- 354 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in
355 candidate by following the procedures and requirements of this title.
- 356 (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:
357 (a) mailing the ballot to the location designated in the mailing; or
358 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 359 (79) "Voter" means an individual who:
360 (a) meets the requirements for voting in an election;
361 (b) meets the requirements of election registration;
362 (c) is registered to vote; and
363 (d) is listed in the official register book.
- 364 (80) "Voter registration deadline" means the registration deadline provided in Section
365 20A-2-102.5.
- 366 (81) "Voting area" means the area within six feet of the voting booths, voting
367 machines, and ballot box.
- 368 (82) "Voting booth" means:

(a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting enclosure or curtain; or

(b) a voting device that is free standing.

(83) "Voting device" means any device provided by an election officer for a voter to vote a mechanical ballot.

(84) "Voting precinct" means the smallest geographical voting unit, established under Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

(85) "Watcher" means an individual who complies with the requirements described in Section 20A-3a-801 to become a watcher for an election.

(86) "Write-in ballot" means a ballot containing any write-in votes.

(87) "Write-in vote" means a vote cast for an individual, whose name is not printed on the ballot, in accordance with the procedures established in this title.

Section 3. Section 20A-1-204 is amended to read:

20A-1-204. Date of special election -- Legal effect.

(1) (a) Except as provided by Subsection (1)(d), the governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 shall schedule the special election to be held on:

(i) in an even-numbered year:

(A) the fourth Tuesday in June; or

[(ii)] (B) the first Tuesday after the first Monday in November[-]; or

(ii) in an odd-numbered year:

(A) the second Tuesday after the first Monday in August; or

(B) the first Tuesday after the first Monday in November.

(b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 may not schedule a special election to be held on any other date.

(c) (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative body of a local political subdivision may call a local special election on a date other than those specified in this section if the legislative body:

(A) determines and declares that there is a disaster, as defined in Section 53-2a-102, requiring that a special election be held on a date other than the ones authorized in statute;

(B) identifies specifically the nature of the disaster, as defined in Section 53-2a-102, and the reasons for holding the special election on that other date; and

(C) votes unanimously to hold the special election on that other date.

(ii) The legislative body of a local political subdivision may not hold a local special election on the same date as the presidential primary election conducted under Chapter 9, Part 8, Presidential Primary Election.

(d) The legislative body of a local political subdivision may only call a special election for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after the first Monday in November.

(e) Nothing in this section prohibits:

(i) the governor or Legislature from submitting a matter to the voters at the regular general election if authorized by law; or

(ii) a local government from submitting a matter to the voters at the regular municipal election if authorized by law.

(2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a special election within a county on the same day as:

(i) another special election;

(ii) a regular general election; or

(iii) a municipal general election.

(b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

(i) polling places;

(ii) ballots;

(iii) election officials; and

(iv) other administrative and procedural matters connected with the election.

Section 4. Section 20A-1-403 is amended to read:

20A-1-403. Errors or omissions in ballots.

(1) The election officer shall, without delay, correct any errors in ballots that the election officer discovers, or that are brought to the election officer's attention, if those errors can be corrected without interfering with the timely distribution of the ballots.

(2) (a) (i) If an error or omission has occurred in the publication of the names or description of the candidates nominated for office, in the publication of sample ballots, or in

the printing of ~~[sample or]~~ official ballots, a candidate or the candidate's agent may file, without paying any fee, a petition for ballot correction with the district court.

(ii) If a petition is filed, the petitioner shall serve a copy of the petition on the respondents on the same day that the petition is filed with the court.

(b) The petition shall contain:

(i) an affidavit signed by the candidate or the candidate's agent identifying the error or omission; and

(ii) a request that the court issue an order to the election officer responsible for the ballot error or omission to correct the ballot error or omission.

(3) (a) After reviewing the petition, the court shall:

(i) issue an order commanding the respondent named in the petition to appear before the court to answer, under oath, under penalty of perjury, to the petition;

(ii) summarily hear and dispose of any issues raised by the petition to obtain substantial compliance with the provisions of this title by the parties to the controversy; and

(iii) enter appropriate orders.

(b) The court may assess costs, including reasonable attorney fees, against either party.

Section 5. Section **20A-1-604** is amended to read:

20A-1-604. Destroying or altering voter instructions, sample ballots, or election paraphernalia -- Penalties.

(1) A person may not, without lawful authority granted by an election officer:

(a) willfully alter, deface, or destroy any list of candidates posted in accordance with the provisions of this title;

(b) willfully alter, deface, tear down, remove or destroy any voter instructions or sample ballot, printed or posted for the instruction of voters during an election;

(c) willfully alter, remove, or destroy any of the supplies or conveniences furnished to enable a voter to prepare the voter's ballot during an election; or

(d) willfully hinder the voting of others.

(2) In addition to the penalties established in Subsections **20A-1-609**(2) and (3), a person who commits an offense under Subsection (1) is guilty of an infraction.

Section 6. Section **20A-2-107** is amended to read:

20A-2-107. Designating or changing party affiliation -- Times permitted.

(1) The county clerk shall:

(a) except as provided in Subsection (3) or 20A-2-107.5(1)(c), record the party affiliation designated by the voter on the voter registration form as the voter's party affiliation; or

(b) if no political party affiliation is designated by the voter on the voter registration form:

(i) except as provided in Subsection (1)(b)(ii), record the voter's party affiliation as the party that the voter designated the last time that the voter designated a party on a voter registration form, unless the voter more recently registered as "unaffiliated"; or

(ii) record the voter's party affiliation as "unaffiliated" if the voter:

(A) did not previously designate a party;

(B) most recently designated the voter's party affiliation as "unaffiliated"; or

(C) did not previously register.

(2) (a) Any registered voter may designate or change the voter's political party affiliation by complying with the procedures and requirements of this Subsection (2).

(b) A registered voter may designate or change the voter's political party affiliation by filing a signed form with the county clerk that identifies the registered political party with which the voter chooses to affiliate.

(c) Except as provided in Subsection (2)(d), a signed form designating or changing a voter's political party affiliation takes effect when the county clerk receives the signed form.

(d) In an even-numbered year, a form described in Subsection (2)(c) received by the county clerk after March 31 takes effect on the day after that year's regular primary election if the form changes a registered voter's affiliation with one political party to affiliate with another political party.

(e) Any part of a form described in Subsection (2)(d), other than the voter's designation or change of political party affiliation, takes effect when the county clerk receives the signed form.

(f) For purposes of Subsection (2)(d), a signed form described in Subsection (2)(c) is received by the county clerk on or before March 31 if:

(i) the individual submits the form in person at the county clerk's office no later than 5 p.m. on the last business day before April 1;

(ii) the individual submits the form electronically through the system described in Section 20A-2-206, at or before 11:59 p.m. on March 31; or

(iii) the individual's form is clearly postmarked on or before March 31.

(g) Subsection (2)(d) does not apply to the party affiliation designated by a voter on the voter registration form if:

(i) the voter has not previously been registered to vote in the state[:]; or

(ii) the voter's most recent party affiliation was changed to "unaffiliated" by a county clerk under Subsection (3).

(3) If the most recent party affiliation designated by a voter is for a political party that is no longer a registered political party, the county clerk shall:

(a) change the voter's party affiliation to "unaffiliated"; and

(b) mail notice to the voter:

(i) that the voter's affiliation has been changed to "unaffiliated" because the most recent party affiliation designated by the voter is for a political party that is no longer a registered political party; and

(ii) informing the voter of the methods and deadlines for changing the voter's party affiliation.

Section 7. Section 20A-4-602 is amended to read:

20A-4-602. Municipal Alternate Voting Methods Pilot Project -- Creation -- Participation.

(1) There is created the Municipal Alternate Voting Methods Pilot Project.

(2) The pilot project begins on January 1, 2019, and ends on January 1, 2026.

(3) (a) A municipality may participate in the pilot project, in accordance with the requirements of this section and all other applicable provisions of law, during any odd-numbered year that the pilot project is in effect, if, before ~~[the second Monday in]~~ May 1 of the odd-numbered year, the legislative body of the municipality:

(i) votes to participate; and

(ii) provides written notice to the lieutenant governor and the county clerk stating that the municipality intends to participate in the pilot project for the year specified in the notice.

(b) The legislative body of a municipality that provides the notice of intent described in Subsection (3)(a) may withdraw the notice of intent, and not participate in the pilot project, if

the legislative body of the municipality provides written notice of withdrawal to the lieutenant governor and the county clerk before ~~[the second Monday in]~~ May 1.

(4) The lieutenant governor shall maintain, in a prominent place on the lieutenant governor's website, a current list of the municipalities that are participating in the pilot project.

(5) (a) An election officer of a participating municipality shall, in accordance with the provisions of this part, conduct a multi-candidate race during the municipal general election using instant runoff voting.

(b) Except as provided in Subsection 20A-4-603(9), an election officer of a participating municipality that will conduct a multi-candidate race under Subsection (5)(a) may not conduct a municipal primary election relating to that race.

(c) A municipality that has in effect an ordinance described in Subsection 20A-9-404(3) or (4) may not participate in the pilot project.

(6) Except for an election described in Subsection 20A-4-603(9), an individual who files a declaration of candidacy or a nomination petition, for a candidate who will run in an election described in this part, shall file the declaration of candidacy or nomination petition during the office hours described in Section 10-3-301 and not later than the close of those office hours, no sooner than the second Tuesday in August and no later than the third Tuesday in August of an odd-numbered year.

Section 8. Section 20A-5-102 is amended to read:

20A-5-102. Voting instructions.

(1) Each election officer shall:

(a) print instructions for voters;

(b) ensure that the instructions are printed in English, and any other language required under the Voting Rights Act of 1965, as amended, in large clear type; and

(c) ensure that the instructions inform voters:

(i) about how to obtain ballots for voting;

(ii) about special political party affiliation requirements for voting in a regular primary election or presidential primary election;

(iii) about how to prepare ballots for deposit in the ballot box;

(iv) about how to record write-in votes;

(v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;

555 (vi) about how to obtain assistance in marking ballots;
556 (vii) about obtaining a new ballot if the voter's ballot is defaced;
557 (viii) that identification marks or the spoiling or defacing of a ballot will make it
558 invalid;
559 (ix) about how to obtain and vote a provisional ballot;
560 (x) about whom to contact to report election fraud;
561 (xi) about applicable federal and state laws regarding:
562 (A) voting rights and the appropriate official to contact if the voter alleges ~~[his]~~ that the
563 voter's rights have been violated; and
564 (B) prohibitions on acts of fraud and misrepresentation;
565 (xii) about procedures governing mail-in registrants and first-time voters; and
566 (xiii) about the date of the election and the hours that the polls are open on election
567 day.
568 (2) Each election officer shall:
569 (a) provide the election judges of each voting precinct with sufficient instruction cards
570 to instruct voters in the preparation of ~~[their]~~ the voters' ballots; and
571 (b) direct the election judges to post:
572 (i) general voting instructions in each voting booth; ~~[and]~~
573 (ii) at least three instruction cards at other locations in the polling place; and
574 (iii) at least one sample ballot ~~[elsewhere in and about]~~ at the polling place.
575 Section 9. Section **20A-5-405** is amended to read:
576 **20A-5-405. Election officer to provide ballots.**
577 (1) An election officer shall:
578 (a) provide ballots for every election of public officers in which the voters, or any of
579 the voters, within the election officer's jurisdiction participate;
580 (b) cause the name of every candidate whose nomination has been certified to or filed
581 with the election officer in the manner provided by law to be included on each ballot;
582 (c) cause any ballot proposition that has qualified for the ballot as provided by law to
583 be included on each ballot;
584 (d) ensure that the ballots are prepared and in the possession of the election officer
585 before commencement of voting;

(e) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official ballot to inspect the ballots;

(f) ~~[cause]~~ no later than 45 days before the day of the election, make sample ballots ~~[to be printed that are]~~ available for inspection, in the same form as official ballots and that contain the same information as official ballots ~~[but that are printed on different colored paper than official ballots or are identified by a watermark;], by:~~

~~[(g) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;]~~

~~[(h) make the sample ballots available for public inspection by:]~~

(i) posting a copy of the sample ballot in the election officer's office ~~[at least seven days before commencement of voting];~~

(ii) ~~[mailing]~~ sending a copy of the sample ballot to:

(A) each candidate listed on the ballot; and

(B) the lieutenant governor;

~~[(iii) publicizing a copy of the sample ballot:]~~

(iii) (A) ~~[at least seven days before the day of the election, by]~~ posting one copy of the sample ballot, and at least one additional copy of the sample ballot per 2,000 population of the jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in the jurisdiction, subject to a maximum of 10 notices; or

(B) ~~[at least 10 days before the day of the election, by]~~ mailing a copy of the sample ballot to each registered voter who resides in the jurisdiction holding the election;

(iv) posting a copy of the sample ballot on the Utah Public Notice Website, created in Section [63A-16-601](#) ~~[for seven days before the day of the election];~~ and

(v) if the jurisdiction has a website, posting a copy of the sample ballot on the jurisdiction's website ~~[for at least seven days before the day of the election];~~

~~[(i)]~~ (g) deliver ~~[at least five copies]~~ a copy of the sample ballot to poll workers for each polling place and direct ~~[them]~~ the poll workers to post the sample ~~[ballots]~~ ballot as required by Section [20A-5-102](#); and

~~[(j)]~~ (h) print and deliver, at the expense of the jurisdiction conducting the election, enough ballots, sample ballots, and instructions to meet the voting demands of the qualified voters in each voting precinct.

(2) Instead of posting the entire sample ballot under Subsection ~~[(1)(h)(iii)(A)]~~ [(1)(f)(iii)(A)], the election officer may post a statement that:

(a) is entitled, "sample ballot";

(b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the upcoming [indicate type and date of election] may be obtained from the following sources:";

and

(c) specifies the following sources where an individual may view or obtain a copy of the sample ballot:

- (i) if the jurisdiction has a website, the jurisdiction's website;
- (ii) the physical address of the jurisdiction's offices; and
- (iii) a mailing address and telephone number.

(3) (a) Each election officer shall, without delay, correct any error discovered in any ballot, if the correction can be made without interfering with the timely distribution of the ballots.

(b) (i) If the election officer discovers an error or omission in a manual ballot, and it is not possible to correct the error or omission, the election officer shall direct the poll workers to make the necessary corrections on the manual ballots before the ballots are distributed.

(ii) If the election officer discovers an error or omission in an electronic ballot and it is not possible to correct the error or omission by revising the electronic ballot, the election officer shall direct the poll workers to post notice of each error or omission with instructions on how to correct each error or omission in a prominent position at each polling booth.

~~[(c)-(i)]~~ [(4) (a)] If the election officer refuses or fails to correct an error or omission in a ballot, a candidate or a candidate's agent may file a verified petition with the district court asserting that:

~~[(A)]~~ [(i)] an error or omission has occurred in:

~~[(B)]~~ [(A)] the publication of the name or description of a candidate;

~~[(C)]~~ [(B)] the preparation or display of an electronic ballot; or

~~[(D)]~~ [(C)] ~~[in]~~ the ~~[printing]~~ posting of sample ballots or the printing of official manual ballots; and

~~[(E)]~~ [(ii)] the election officer has failed to correct or provide for the correction of the error or omission.

648 [(~~fi~~)] (b) The district court shall issue an order requiring correction of any error in a
649 ballot or an order to show cause why the error should not be corrected if it appears to the court
650 that the error or omission has occurred and the election officer has failed to correct or provide
651 for the correction of the error or omission.

652 [(~~iii~~)] (c) A party aggrieved by the district court's decision may appeal the matter to the
653 Utah Supreme Court within five days after the day on which the district court enters the
654 decision.

655 Section 10. Section **20A-5-605** is amended to read:

656 **20A-5-605. Duties of poll workers.**

657 (1) Poll workers shall:

658 (a) arrive at the polling place at a time determined by the election officer; and

659 (b) remain until the official election returns are prepared for delivery.

660 (2) The election officer may designate the title and duties of each poll worker.

661 (3) Upon arriving to open the polls, the poll workers shall:

662 (a) display the United States flag;

663 (b) examine the voting devices to see that they are in proper working order and that
664 security devices have not been tampered with;

665 (c) place the voting devices, voting booths, and the ballot box in plain view of those
666 poll workers and watchers that are present;

667 (d) check the ballots, supplies, records, and forms;

668 (e) if directed by the election officer:

669 (i) make any necessary corrections to the official ballots before the ballots are
670 distributed at the polls; [~~and~~]

671 (ii) post any necessary notice of errors in ballots before voting commences; and

672 (iii) post [~~the sample ballots~~] a sample ballot, instructions to voters, and constitutional
673 amendments, if any;

674 (f) open the ballot box in the presence of those assembled, turn the ballot box upside
675 down to empty the ballot box of anything; and

676 (g) immediately before the polls open, lock the ballot box or, if locks and keys are not
677 available, tape the ballot box securely.

678 (4) (a) If any poll worker fails to appear on the morning of the election, or fails or

refuses to act:

(i) at least six qualified electors who are present at the polling place at the hour designated by law for the opening of the polls shall fill the vacancy by appointing another qualified individual from the voting precinct who is a member of the same political party as the poll worker who is being replaced to act as a poll worker; or

(ii) the election officer shall appoint a qualified individual to act as a poll worker.

(b) If a majority of the poll workers are present, the poll workers shall open the polls, even though a poll worker has not arrived.

(5) (a) If it is impossible or inconvenient to hold an election at the polling place designated, the poll workers, after having assembled at or as near as practicable to the designated place, and before receiving any vote, may move to the nearest convenient place for holding the election.

(b) If the poll workers move to a new polling place, the poll workers shall display a proclamation of the change and station a peace officer or some other proper individual at the original polling place to notify voters of the location of the new polling place.

(6) If, for any reason, the official ballots are not ready for distribution at a polling place or, if the supply of ballots is exhausted before the polls are closed, the poll workers may use unofficial ballots, made as nearly as possible in the form of the official ballot, until the election officer provides additional ballots.

(7) When it is time to open the polls, one of the poll workers shall announce that the polls are open as required by Section 20A-1-302, or in the case of early voting, Section 20A-3a-602.

(8) (a) The poll workers shall comply with the voting procedures and requirements of Chapter 3a, Voting, in allowing people to vote.

(b) The poll workers may not allow an individual, other than election officials and those admitted to vote, within six feet of voting devices, voting booths, or the ballot box.

(c) Besides the poll workers and watchers, the poll workers may not allow more than four voters in excess of the number of voting booths provided within six feet of voting devices, voting booths, or the ballot box.

(d) If necessary, the poll workers shall instruct each voter permitted to use a voting device how to operate the voting device before the voter enters the voting booth.

(e) (i) If the voter requests additional instructions after entering the voting booth, two poll workers may, if necessary, enter the booth and give the voter additional instructions.

(ii) In regular general elections and regular primary elections, the two poll workers who enter the voting booth to assist the voter shall be of different political parties.

Section 11. Section **20A-7-103** is amended to read:

20A-7-103. Constitutional amendments and other questions submitted by the Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.

(1) The procedures contained in this section govern when the Legislature submits a proposed constitutional amendment or other question to the voters.

(2) The lieutenant governor shall, not more than 60 days or less than 14 days before the date of the election, publish the full text of the amendment, question, or statute in at least one newspaper in every county of the state where a newspaper is published.

(3) The legislative general counsel shall:

(a) entitle each proposed constitutional amendment "Constitutional Amendment ____" and assign it a letter according to the requirements of Section [20A-6-107](#);

(b) entitle each proposed question "Proposition Number ____" with the number assigned to the proposition under Section [20A-6-107](#) placed in the blank;

(c) draft and designate a ballot title for each proposed amendment or question submitted by the Legislature that summarizes the subject matter of the amendment or question; and

(d) deliver each number and title to the lieutenant governor.

(4) The lieutenant governor shall certify the number and ballot title of each amendment or question to the county clerk of each county no later than 65 days before the date of the election.

(5) The county clerk of each county shall:

(a) ensure that both the number and title of each amendment and question is ~~[printed on]~~ included in the sample ballots and official ballots; and

(b) publish ~~[them]~~ the sample ballots and official ballots as provided by law.

Section 12. Section **20A-11-1604** is amended to read:

20A-11-1604. Failure to disclose conflict of interest -- Failure to comply with reporting requirements.

(1) (a) Before or during the execution of any order, settlement, declaration, contract, or any other official act of office in which a state constitutional officer has actual knowledge that the state constitutional officer has a conflict of interest that is not stated in the conflict of interest disclosure, the state constitutional officer shall publicly declare that the state constitutional officer may have a conflict of interest and what that conflict of interest is.

(b) Before or during any vote on legislation or any legislative matter in which a legislator has actual knowledge that the legislator has a conflict of interest that is not stated in the conflict of interest disclosure, the legislator shall orally declare to the committee or body before which the matter is pending that the legislator may have a conflict of interest and what that conflict is.

(c) Before or during any vote on any rule, resolution, order, or any other board matter in which a member of the State Board of Education has actual knowledge that the member has a conflict of interest that is not stated in the conflict of interest disclosure, the member shall orally declare to the board that the member may have a conflict of interest and what that conflict of interest is.

(2) Any public declaration of a conflict of interest that is made under Subsection (1) shall be noted:

(a) on the official record of the action taken, for a state constitutional officer;

(b) in the minutes of the committee meeting or in the Senate or House Journal, as applicable, for a legislator; or

(c) in the minutes of the meeting or on the official record of the action taken, for a member of the State Board of Education.

(3) A state constitutional officer shall make a complete conflict of interest disclosure on the website:

(a) (i) no sooner than January 1 each year, and before January 11 each year; or

(ii) if the state constitutional officer takes office after January 10, within 10 days after the day on which the state constitutional officer takes office; and

(b) each time the state constitutional officer changes employment.

(4) A legislator shall make a complete conflict of interest disclosure on the website:

(a) (i) no sooner than January 1 each year, and before January 11 each year; or

(ii) if the legislator takes office after January 10, within 10 days after the day on which

the legislator takes office; and

(b) each time the legislator changes employment.

(5) A member of the State Board of Education shall make a complete conflict of interest disclosure on the website:

(a) (i) no sooner than January 1 each year, and before January 11 each year; or

(ii) if the member takes office after January 10, within 10 days after the day on which the member takes office; and

(b) each time the member changes employment.

(6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:

(a) the regulated officeholder's name;

(b) the name and address of each of the regulated officeholder's current employers and each of the regulated officeholder's employers during the preceding year;

(c) for each employer described in Subsection (6)(b), a brief description of the employment, including the regulated officeholder's occupation and, as applicable, job title;

(d) for each entity in which the regulated officeholder is an owner or officer, or was an owner or officer during the preceding year:

(i) the name of the entity;

(ii) a brief description of the type of business or activity conducted by the entity; and

(iii) the regulated officeholder's position in the entity;

(e) in accordance with Subsection (7), for each individual from whom, or entity from which, the regulated officeholder has received \$5,000 or more in income during the preceding year:

(i) the name of the individual or entity; and

(ii) a brief description of the type of business or activity conducted by the individual or entity;

(f) for each entity in which the regulated officeholder holds any stocks or bonds having a fair market value of \$5,000 or more as of the date of the disclosure form or during the preceding year, but excluding funds that are managed by a third party, including blind trusts, managed investment accounts, and mutual funds:

(i) the name of the entity; and

(ii) a brief description of the type of business or activity conducted by the entity;

(g) for each entity not listed in Subsections (6)(d) through (f) in which the regulated officeholder currently serves, or served in the preceding year, ~~[on the board of directors or in any other type of]~~ in a paid leadership capacity or in a paid or unpaid position on a board of directors:

(i) the name of the entity or organization;

(ii) a brief description of the type of business or activity conducted by the entity; and

(iii) the type of ~~[advisory]~~ position held by the regulated officeholder;

(h) at the option of the regulated officeholder, a description of any real property in which the regulated officeholder holds an ownership or other financial interest that the regulated officeholder believes may constitute a conflict of interest, including a description of the type of interest held by the regulated officeholder in the property;

(i) the name of the regulated officeholder's spouse and any other adult residing in the regulated officeholder's household who is not related by blood or marriage, as applicable;

(j) for the regulated officeholder's spouse, the information that a regulated officeholder is required to provide under Subsection (6)(b);

(k) a brief description of the employment and occupation of each adult who:

(i) resides in the regulated officeholder's household; and

(ii) is not related to the regulated officeholder by blood or marriage;

(l) at the option of the regulated officeholder, a description of any other matter or interest that the regulated officeholder believes may constitute a conflict of interest;

(m) the date the form was completed;

(n) a statement that the regulated officeholder believes that the form is true and accurate to the best of the regulated officeholder's knowledge; and

(o) the signature of the regulated officeholder.

(7) In making the disclosure described in Subsection (6)(e), a regulated officeholder who provides goods or services to multiple customers or clients as part of a business or a licensed profession is only required to provide the information described in Subsection (6)(e) in relation to the entity or practice through which the regulated officeholder provides the goods or services and is not required to provide the information described in Subsection (6)(e) in relation to the regulated officeholder's individual customers or clients.

834 (8) The disclosure requirements described in this section do not prohibit a regulated
835 officeholder from voting or acting on any matter.

836 (9) A regulated officeholder may amend a conflict of interest disclosure described in
837 this part at any time.

838 (10) A regulated officeholder who violates the requirements of Subsection (1) is guilty
839 of a class B misdemeanor.

840 (11) (a) A regulated officeholder who intentionally or knowingly violates a provision
841 of this section, other than Subsection (1), is guilty of a class B misdemeanor.

842 (b) In addition to the criminal penalty described in Subsection (11)(a), the lieutenant
843 governor shall impose a civil penalty of \$100 against a regulated officeholder who violates a
844 provision of this section, other than Subsection (1).